

(Added Pub. L. 101-12, § 3(a)(13), Apr. 10, 1989, 103 Stat. 29.)

EFFECTIVE DATE

Subchapter effective 90 days following Apr. 10, 1989, see section 11 of Pub. L. 101-12, set out as an Effective Date of 1989 Amendment note under section 1201 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1212, 1214, 1222, 2303 of this title; title 10 section 2409a; title 22 section 4139.

§ 1222. Availability of other remedies

Except as provided in section 1221(i), nothing in this chapter or chapter 23 shall be construed to limit any right or remedy available under a provision of statute which is outside of both this chapter and chapter 23.

(Added Pub. L. 101-12, § 3(a)(13), Apr. 10, 1989, 103 Stat. 31.)

CHAPTER 13—SPECIAL AUTHORITY

§ 1305. Administrative law judges

For the purpose of sections 3105, 3344, 4301(2)(D), and 5372 of this title and the provisions of section 5335(a)(B) of this title that relate to administrative law judges, the Office of Personnel Management may, and for the purpose of section 7521 of this title, the Merit Systems Protection Board may investigate, require reports by agencies, issue reports, including an annual report to Congress, prescribe regulations, appoint advisory committees as necessary, recommend legislation, subpoena witnesses and records, and pay witness fees as established for the courts of the United States.

(As amended Pub. L. 102-378, § 2(4), Oct. 2, 1992, 106 Stat. 1346.)

AMENDMENTS

1992—Pub. L. 102-378 substituted “sections 3105” for “section 3105”.

CHAPTER 15—POLITICAL ACTIVITY OF CERTAIN STATE AND LOCAL EMPLOYEES

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1212, 1215, 1216, 1302, 4703 of this title; title 23 section 142; title 42 sections 2996e, 3056, 4728, 9851, 9904; title 49 App. section 1604.

PART III—EMPLOYEES

Subpart A—General Provisions

CHAPTER 21—DEFINITIONS

§ 2101. Civil service; armed forces; uniformed services

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-508, title VII, § 7202(a), Nov. 5, 1990, 104 Stat. 1388-335, provided that: “This section [amending sections 2105, 3502, 5334, 5335, 5365, 5551, 6308, 6312, 8331, 8347, 8401, 8461, and 8901 of this title and enacting provisions set out as notes under section 2105 of this title] may be cited as the ‘Portability of Benefits for Nonappropriated Fund Employees Act of 1990.’”

COORDINATION OF TITLE VII OF PUB. L. 101-508 WITH SECTION 909 OF TITLE 2

Pub. L. 101-508, title VII, § 7301, Nov. 5, 1990, 104 Stat. 1388-341, provided that: “For purposes of section 202 of the Balanced Budget and Emergency Deficit Reaffirmation Act of 1987 [probably means section 202 of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, Pub. L. 100-119, which was formerly classified to section 909 of Title 2, The Congress], this title and the amendments made by this title [amending sections 552a, 2105, 3502, 5334, 5335, 5365, 5551, 6308, 6312, 8331, 8334, 8339, 8342, 8343a, 8347, 8348, 8401, 8420a, 8461, 8901, 8902, 8904, 8906, 8909, and 8910 of this title, enacting provisions set out as notes under this section and sections 552a, 2105, 8334, 8343a, 8348, 8902, 8904, and 8906 of this title, amending provisions set out as notes under sections 8343a and 8906 of this title, and repealing provisions set out as notes under sections 8343a and 8348 of this title] shall be considered an exception under subsection (b) of such section.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 18 section 207; title 22 section 3641; title 41 section 423.

§ 2102. The competitive service

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3132 of this title; title 10 section 1744; title 16 section 3198; title 22 section 3641; title 28 section 569; title 36 section 121; title 42 section 2000e.

§ 2103. The excepted service

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 1744.

§ 2104. Officer

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 902 of this title; title 18 section 202; title 50 section 426.

§ 2105. Employee

[See main edition for text of (a) and (b)]

(c) An employee paid from nonappropriated funds of the Army and Air Force Exchange Service, Army and Air Force Motion Picture Service, Navy Ship's Stores Ashore, Navy exchanges, Marine Corps exchanges, Coast Guard exchanges, and other instrumentalities of the United States under the jurisdiction of the armed forces conducted for the comfort, pleasure, contentment, and mental and physical improvement of personnel of the armed forces is deemed not an employee for the purpose of—

(1) laws administered by the Office of Personnel Management, except

(A) section 7204;

(B) as otherwise specifically provided in this title;

(C) the Fair Labor Standards Act of 1938; or

(D) for the purpose of entering into an interchange agreement to provide for the noncompetitive movement of employees between such instrumentalities and the competitive service; or